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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,222

01/21/2004

Kia Silverbrook

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

MARTIN, LAURA E

ART UNIT

PAPER NUMBER

2853

MAIL DATE

DELIVERY MODE

10/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/760,222	Applicant(s) SILVERBROOK, KIA	
	Examiner LAURA E. MARTIN	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/9/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, the statutory class of the invention being claimed is unclear. The preamble begins by reciting "a printer cartridge comprising" which would suggest that the claim is directed towards an apparatus. But the claim also contains "user removal and replacement of the body" which is not a structural limitation but a process of using.

For the purposes of prior art examination, these claims will be interpreted as apparatus claims.

In claim 5, it is unclear as to which stage the product is being claimed. The claim includes limitations for an intermediate and final product simultaneously, making it indefinite as to which aspect of the product the applicant is claiming

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook (US 6443555 B1) in view of Torgerson (US 6722759 B2).

Silverbrook discloses the following claim limitations:

As per claim 5: a body (figure 15, element 1) configured for user insertion and removal from a complementary cradle in an ink jet printer (figure 3, element 56); printing fluid storage mounted to the body (figure 11, element 6); a pagewidth printhead mounted to the body for printing a media substrate when inserted in the complementary cradle (figure 15, element 3), the pagewidth printhead having a first print chip and a second print chip (figure 13), the first print chip having an array of nozzles fabricated on a first monolithic substrate and the second print chip having an array of nozzles fabricated on a second monolithic substrate that does not include the first monolithic substrate (figure 19, element 2 – each unit (element 3) has different substrates, as does

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each printhead chip); and a fluid connection between the printing fluid storage and the first and second print chips (figure 19), wherein user removal and replacement of the body simultaneously removes and replaces the printing fluid storage, the pagewidth printhead, and the fluid connection (the user can be anyone; if the printing fluid storage, pagewidth printhead, and fluid connection can be put into the printer, they can also be removed; each module has a fluid connection that connects the ink to the nozzles, as well as a small amount of ink for printing, which can be also determined as an area of fluid storage).

As per claim 2: the first and second printhead chips abut together (figure 19)

Silverbrook does not disclose the following claim limitations:

As per claim 5: the length of the first print chip added to the length of the second print chip is at least equal to the length of the pagewidth printheads.

As per claim 4: electrical connects located at opposing ends of the printhead and in electrical communication with the first and second print chips respectively.

Torgerson discloses the following claim limitations:

As per claim 5: the length of the first print chip added to the length of the second print chip is at least equal to the length of the pagewidth printheads (figure 3, the substrate is monolithic – it would have been obvious to one of ordinary skill in the art that if there can be ten monolithic substrates abutting in a nozzle arrangement and there can be one monolithic substrate in a nozzle arrangement, there can be any number of monolithic substrates abutting between the numbers one and 10).

As per claim 4: electrical connectors (figure 2, element 74) located at opposing ends of the printhead and in electrical communication with the first and second print chips respectively (column 5, line 43-column 6, line 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the printhead taught by Silverbrook with the disclosure of Torgerson in order to provide a better controlled printhead.

Response to Arguments

Applicant's arguments with respect to claims 2, 4, and 5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA E. MARTIN whose telephone number is (571)272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura E. Martin

/L. E. M./
Examiner, Art Unit 2853

/Manish S. Shah/
Primary Examiner, Art Unit 2853